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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIA MADRIGAL,)	
)	
Plaintiff,)	
v.)	NO. 22-cv-91
)	
MENARD, INC.,)	
)	
Defendant.)	
)	

NOTICE OF REMOVAL

To: The United States District Court for the Northern District of Illinois.

Plaintiff's Counsel: Adeena Weiss Ortiz
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Defendant MENARD, INC., by and through its attorneys, Lewis Brisbois Bisgaard & Smith LLP, hereby provide notice pursuant to 28 U.S.C. §§1441 and 1446 of the removal of the above-captioned matter from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois. The grounds for removal are as follows:

1. On November 5, 2021, Plaintiff Maria Madrigal filed a Complaint at law in the Circuit Court of Cook County, Illinois, against Defendant Menard, Inc. (*See Exhibit A*, Plaintiff's Complaint).
2. Plaintiff's Complaint alleges that Plaintiff was injured as a proximate result of Defendant's negligence. (*See Exhibit A*).

I. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER DIVERSITY PURSUANT TO 28 U.S.C. §§ 1332 AND 1441.

3. Plaintiff is an individual residing in Cook County, Illinois and is a citizen of the State of Illinois (*See Exhibit A*).

4. Defendant is a corporation duly organized and existing under the laws of Wisconsin, with its principal place of business in the State of Wisconsin, at 5101 Menard Drive, Eau Claire, Wisconsin. As such, Defendant is a citizen of the State of Wisconsin. (*See Exhibit B*, Corporate Disclosure Statement).

5. The amount in controversy in this action exceeds \$75,000.00. Plaintiff alleges that she sustained permanent injuries in excess of \$50,000.00. Under Illinois law, a plaintiff may recover any amount awarded to him over \$50,000.00, if proven. Based on information known to date, Plaintiff will claim medical expenses in addition to compensatory damages for pain and suffering and loss of a normal life as a result of significant injuries suffered and resulting damages. Plaintiff has specified she will request a judgment in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County (“a sum in excess of ONE HUNDRED THOUSAND DOLLARS (\$100,000).”

6. Therefore, the United States District Court of the Northern District of Illinois has original jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(2)(c)(1), as there is complete diversity of citizenship between the parties and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

II. THE PROCEDURAL REQUIREMENTS OF REMOVAL ARE MET

7. Pursuant to 28 U.S.C. § 1441(a), true and correct copies of all process, pleadings, orders and other documents filed in the state court action are attached as Exhibit A.

8. Plaintiff’s Complaint was served on Defendant Menard, Inc. on December 9, 2021. Section 1446(b)(1) requires a notice of removal to be filed within thirty days of the service of a

complaint upon the defendant. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (Thirty-day time limit for removal runs from date of formal service of the initial complaint).

Accordingly, the time period for Defendant Menard, Inc. to file its Notice of Removal runs to January 8, 2022. Because this Notice was filed on January 6, 2022, it was timely filed.

9. The United State District Court for the Northern District of Illinois presides in the locality in which the state court action is now pending. It is therefore a proper forum for removal. *See* 28 U.S.C. §§ 93(c), 1441(a).

10. A copy of this Notice of Removal is being served on Plaintiff, and a copy is being filed with the state court. *See Id.* § 1446(d).

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Defendant Menard, Inc. respectfully demands a jury trial on all triable issues in this action.

CONCLUSION

WHEREFORE, Defendant Menard, Inc. respectfully requests that this action be removed from the Circuit Court of Cook County, Illinois, and that this court accept jurisdiction over this action and place it on this court's docket for further proceedings, as though it was originally initiated in this court.

Date: January 6, 2022

Respectfully submitted,

/s/ Timothy J. Young

Timothy J. Young (ARDC No. 6192231)

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